



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Toyoki UE et al. Art Unit 2684
Serial No.: 10/057,897 Examiner A. Gantt
Filed: January 29, 2002
For: RADIO COMMUNICATION DEVICE AND METHOD OF
CONTROLLING TRANSMISSION RATE

NOTICE OF SPECIAL STATUS

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

In accordance with a letter (copy attached) from the MPEP Editor published at 82 JPTOS 467 (July, 2000), this application is entitled to special status in view of the Petition to Make Special granted October 24, 2003 in the parent application no. 09/820,636. The MPEP Editor's letter stated "if a petition to make special has been granted in a parent application, that special status will carry over to a continuation application."

Respectfully submitted,

James E. Ledbetter
Registration No. 28,732

Date: February 22, 2005

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Receipt of manuscripts will be acknowledged and authors will be further advised as to whether or not their papers are acceptable for publication. Upon publication authors will be sent four complimentary copies of the issue in which their article appears. All articles published will be automatically considered for the Rossman Award.

All manuscripts must be typewritten, double-spaced and submitted in duplicate. Manuscripts cannot be returned.

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Dear Mr. Neifeld,

Your e-mail message to Mr. Kunin was forwarded to me for re-
sponse.

As to your item (1) noted below, MPEP 708 (Order of Examina-
tion) states that each examiner will give priority to that application in
his/her docket which has the oldest effective US filing date. Therefore, if
you have a continuation application, that continuation application will be
taken up for action based on the earliest effective US filing date, rather
than the actual filing date of the continuation application. The continua-
tion application is in effect given special status since it is advanced out
of turn for examination.

If your application is not a continuation application, you may re-
quest special status pursuant to the procedures set forth in MPEP
708.02, VIII, "Special Examining Procedure for Certain New Applica-
tions—Accelerated Examination." One of the requirements under this
procedure is to have applicant submit a statement that a pre-examina-
tion search was made. It doesn't matter whether the pre-examination
search was made by applicant, a foreign office or the USPTO. For ex-
ample, if you have a national stage application filed under 35 U.S.C.
371 (the order of examination of a national stage application is based
on the 35 U.S.C. 371(c) date—see MPEP 1893.03) a search report per-
formed by the USPTO as the ISA or by any foreign Offices would sat-
isfy the requirement of a pre-examination search under MPEP 708.02,
VIII. You may request special status for that national stage application
provided all the other requirements set forth in MPEP 708.02, VIII are
satisfied.

As to your item (2) noted below, if a petition to make special has
been granted in a parent application, that special status will carry over to
a continuation application.

Hope this information is helpful.

Magdalen Greenlief, MPEP Editor